

Exhibit 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

Jonathan R., minor, by Next :
Friend, Sarah Dixon, et al., :
:
Plaintiffs, : Class Action
:
v. : 3:19-cv-00710
:
Jim Justice, in his official :
capacity as the Governor of :
West Virginia, et al., :
:
Defendants. :

VIDEOCONFERENCE DEPOSITION OF SUSAN GETMAN

DATE: October 15, 2020
TIME: 9:02 a.m. to 2:01 p.m.
LOCATION: Witness Location

REPORTED BY: Felicia A. Newland, CSR

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Washington, D.C. 20005

<p style="text-align: right;">Page 46</p> <p>1 relied on my own experience in public child welfare</p> <p>2 and worked with the federal government</p> <p>3 representatives, their regional, around case</p> <p>4 standards.</p> <p>5 BY MS. BROWN:</p> <p>6 Q Anything else that you recall you</p> <p>7 might have looked at in the context of preparing</p> <p>8 the report?</p> <p>9 A I think we've covered it.</p> <p>10 Q Did you interview any of the children</p> <p>11 or youth whose files you were reviewing?</p> <p>12 A I did not.</p> <p>13 Q Did you interview any caseworkers?</p> <p>14 A I did not.</p> <p>15 Q Did you interview any supervisors?</p> <p>16 A I did not.</p> <p>17 Q Did you interview any families?</p> <p>18 A I did not.</p> <p>19 Q Did you interview any child placement</p> <p>20 agencies?</p> <p>21 A No.</p> <p>22 Q Did you interview any providers?</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. LOWRY: Objection.</p> <p>2 THE WITNESS: It was a different</p> <p>3 circumstance, people were on my team and so cases</p> <p>4 were discussed.</p> <p>5 BY MS. BROWN:</p> <p>6 Q Can you recall any circumstance at</p> <p>7 Walker or Casey or at the department when you would</p> <p>8 have been comfortable making a judgment based</p> <p>9 solely on the review of the case record without</p> <p>10 talking to anybody?</p> <p>11 MS. LOWRY: Objection.</p> <p>12 THE WITNESS: You know, that's really</p> <p>13 hard to say because the environment was so</p> <p>14 different. You know, I -- I wouldn't get into a</p> <p>15 case record without having contact with someone who</p> <p>16 had knowledge of it, so...</p> <p>17 BY MS. BROWN:</p> <p>18 Q Would you agree that talking to</p> <p>19 someone with direct knowledge can give context to a</p> <p>20 case record that might otherwise be hard to</p> <p>21 interpret?</p> <p>22 A Yes.</p>
<p style="text-align: right;">Page 47</p> <p>1 A No.</p> <p>2 Q Did you interview any guardian ad</p> <p>3 litem?</p> <p>4 A No.</p> <p>5 Q Did you talk to any staff at DHHR?</p> <p>6 A No.</p> <p>7 Q Did you look at any provider case</p> <p>8 files?</p> <p>9 MS. LOWRY: Objection.</p> <p>10 THE WITNESS: No. I looked at what</p> <p>11 was available to us. And I guess I should say that</p> <p>12 in some cases, they were not complete, but there</p> <p>13 were some reports from providers.</p> <p>14 BY MS. BROWN:</p> <p>15 Q Did you look at case records of any</p> <p>16 child placement agency?</p> <p>17 A No. Again, not the records, but</p> <p>18 there were oftentimes pieces of reports.</p> <p>19 Q In your work at Walker or Casey or</p> <p>20 the department, was there any time in which you</p> <p>21 recall making a judgment based on what was in the</p> <p>22 case record without talking to anybody?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q Are you aware of any state or federal</p> <p>2 audits that look only at case records without</p> <p>3 interviews?</p> <p>4 A The CFSR is basically a record</p> <p>5 review. And while the reviewers talk with various</p> <p>6 individuals, my recollection is that it tends to be</p> <p>7 more about systems issues and not case specific.</p> <p>8 So the case records, again, my recollection is the</p> <p>9 case records follow a pretty formulaic paper</p> <p>10 review.</p> <p>11 Q By CFSR, you mean the Child and</p> <p>12 Family Services Reviews that are conducted by ACF?</p> <p>13 A Yes.</p> <p>14 Q Together with the states?</p> <p>15 A Yes.</p> <p>16 Q And in those cases, do you know if</p> <p>17 the cases are randomly selected or judgmentally</p> <p>18 selected?</p> <p>19 MS. LOWRY: Objection.</p> <p>20 THE WITNESS: At least when I was</p> <p>21 involved, they were randomly selected.</p> <p>22</p>

<p style="text-align: right;">Page 70</p> <p>1 developed an outline for the report, scaffolding,</p> <p>2 you know, the sections that we thought would</p> <p>3 provide a reasonable flow and the headers of those</p> <p>4 sections speaking to common practice areas. So for</p> <p>5 instance, investigation and assessment, placement,</p> <p>6 pre- and post-placement services and such.</p> <p>7 Q So I think the sections are, right,</p> <p>8 investigations --</p> <p>9 A Well, it starts with introduction --</p> <p>10 what I have is introduction, methodology,</p> <p>11 reviewers, then investigation, and pre-placement --</p> <p>12 Q Yes.</p> <p>13 A -- post-placement services,</p> <p>14 permanency, systems, and conclusion.</p> <p>15 Q Systems and conclusions. So which</p> <p>16 sections did you take the lead on drafting?</p> <p>17 A I took the lead on the introduction</p> <p>18 and methodology, the post-placement services, the</p> <p>19 organizational culture and conclusion.</p> <p>20 Q Is organizational culture the same as</p> <p>21 system and concerns?</p> <p>22 A It was a subsection.</p>	<p style="text-align: right;">Page 72</p> <p>1 A That was Ms. Flory.</p> <p>2 Q And who took the lead on the</p> <p>3 permanency?</p> <p>4 A Ms. Potchak.</p> <p>5 Q And then for the -- I guess there</p> <p>6 were two other systemic concerns, one on --</p> <p>7 A Case record, and Ms. Flory took</p> <p>8 skills frontline workers.</p> <p>9 Q Okay. And so did you all agree in</p> <p>10 advance what was going to be in each section or did</p> <p>11 each person draft their section based on the three</p> <p>12 cases that they reviewed and then you commented on</p> <p>13 each other's pieces?</p> <p>14 A So we discussed what we saw</p> <p>15 thematically first to have a -- to be able to</p> <p>16 determine what the sections were.</p> <p>17 I keep reminding myself that it's not</p> <p>18 what I just said.</p> <p>19 Q No, that's why I wanted to warn you.</p> <p>20 A No, I appreciated your earlier</p> <p>21 warning.</p> <p>22 And so we had an agreement</p>
<p style="text-align: right;">Page 71</p> <p>1 Q I'm sorry. I'm going to have to ask</p> <p>2 you repeat that. Post-placement services?</p> <p>3 A So I did introduction, methodology.</p> <p>4 Q Yep.</p> <p>5 A Post-placement services.</p> <p>6 Q Okay.</p> <p>7 A Organizational culture, which was one</p> <p>8 of the three subsections of systems, systemic, and</p> <p>9 then I drafted a conclusion.</p> <p>10 Q And how -- how was it that those were</p> <p>11 your sections?</p> <p>12 A In part, we each picked sections that</p> <p>13 we felt either were reflected in our cases and we</p> <p>14 had some -- some thoughts about it, or it was</p> <p>15 something that, in terms of our own experience, we</p> <p>16 felt comfortable writing about. And then,</p> <p>17 honestly, I was the one that had some time. Both</p> <p>18 the other executive reviewers had competing</p> <p>19 priorities and so -- so I took responsibility for</p> <p>20 it.</p> <p>21 Q Okay. Who took the lead on the</p> <p>22 investigations and pre-placement?</p>	<p style="text-align: right;">Page 73</p> <p>1 essentially that, yes, that is what we saw. We</p> <p>2 also had a methodology where we listed out, I don't</p> <p>3 know, maybe 20 or 25 different areas of concern and</p> <p>4 sort of indicated for each of our cases whether</p> <p>5 that was -- whether that was really an ongoing</p> <p>6 concern in the case so that we weren't writing</p> <p>7 about something as if it was cross-cutting, when it</p> <p>8 was really something that was a major dynamic in</p> <p>9 one case, but really not evident in the other</p> <p>10 cases. So we did have part of our methodology</p> <p>11 before we started writing of taking a look at that</p> <p>12 and seeing whether that comported with our</p> <p>13 impressions.</p> <p>14 Q And so did each -- did you each sort</p> <p>15 of present your case reviews or did you each</p> <p>16 present your conclusions of what the case reviews</p> <p>17 indicated?</p> <p>18 MS. LOWRY: Objection.</p> <p>19 THE WITNESS: I didn't read anyone</p> <p>20 else's case review, nor did they read mine, so it</p> <p>21 was a discussion.</p> <p>22</p>

<p style="text-align: right;">Page 114</p> <p>1 that.</p> <p>2 And the other thing --</p> <p>3 Q You wonder, but not conclude?</p> <p>4 A We couldn't conclude, right. And I</p> <p>5 think we -- I think we used language around that,</p> <p>6 that it would be an area for inquiry and possible</p> <p>7 improvement, I think was the language that we used.</p> <p>8 The other thing that was really quite</p> <p>9 notable, that I don't know that I have seen in my</p> <p>10 practice before, is supervisors and social workers</p> <p>11 signing off on forms that in and of themselves,</p> <p>12 they are declarative. They had -- you know, they</p> <p>13 are declarative in their nature. You know, this is</p> <p>14 a screen-in, this is a screen-out, et cetera, et</p> <p>15 cetera, that were virtually blank, except for their</p> <p>16 signatures. And that came up time after time.</p> <p>17 Q And you don't know why that might be</p> <p>18 the case as a -- as a technical matter. Is that</p> <p>19 correct?</p> <p>20 A That is correct. So the child's name</p> <p>21 was on it or a parent's name was on it. And after</p> <p>22 that, there was nearly blank forms. And what</p>	<p style="text-align: right;">Page 116</p> <p>1 read documents that come out of the Children's</p> <p>2 Bureau and COA and other associations.</p> <p>3 Q And in your experience with other</p> <p>4 states, whether it's Massachusetts or when you were</p> <p>5 working at Casey or whatever, in any of those, did</p> <p>6 your understanding of the -- did your conclusions</p> <p>7 as to the system derive solely from a review of</p> <p>8 three case records?</p> <p>9 MS. LOWRY: Objection.</p> <p>10 THE WITNESS: I was not involved in</p> <p>11 reviewing case records, with the exception -- and,</p> <p>12 again, I think we spoke of it earlier -- it wasn't</p> <p>13 the full case record, but when I did permanency</p> <p>14 roundtables, I did review relevant information.</p> <p>15 BY MS. BROWN:</p> <p>16 Q But in general, that's not how you</p> <p>17 would approach an evaluation of a child welfare</p> <p>18 program.</p> <p>19 A Oh, I'm not so sure that's the case.</p> <p>20 I mean, I do think that reviewing case records and</p> <p>21 looking for patterns and evaluating training and</p> <p>22 supervision is certainly a very important component</p>
<p style="text-align: right;">Page 115</p> <p>1 was -- what was notable were the ones that were</p> <p>2 actually signed.</p> <p>3 Q And because you -- you don't have any</p> <p>4 insight into how the system actually works in</p> <p>5 realtime. Is that correct?</p> <p>6 MS. LOWRY: Objection.</p> <p>7 THE WITNESS: Of course.</p> <p>8 BY MS. BROWN:</p> <p>9 Q For the reasonable professional</p> <p>10 standards, how did you and Ms. Flory and</p> <p>11 Ms. Potchak sort of come to agreement as to what</p> <p>12 those were?</p> <p>13 A I think between us, we have, you</p> <p>14 know, some hundred years of professional</p> <p>15 experience. And, you know, speaking for myself,</p> <p>16 it's all been within child welfare -- well, Child</p> <p>17 and Family Services and largely within child</p> <p>18 welfare, either in the nonprofit side or the public</p> <p>19 side. And also, having gone to other states</p> <p>20 personally and seen how those states work, having</p> <p>21 been in a variety of settings whereby policies and</p> <p>22 policy improvements were being discussed, having</p>	<p style="text-align: right;">Page 117</p> <p>1 of evaluating a child welfare system.</p> <p>2 Q But it's not how you had done it</p> <p>3 before?</p> <p>4 A Not -- not quite literally the same,</p> <p>5 correct.</p> <p>6 Q It was a component, but it wasn't the</p> <p>7 sole component?</p> <p>8 A Correct. The goal was also</p> <p>9 different. We were in the process of considering</p> <p>10 revisions to policy and practice.</p> <p>11 Q When you say "we," that would be</p> <p>12 Massachusetts or are you talking about --</p> <p>13 A Yes.</p> <p>14 Q -- Casey or both? All of the above?</p> <p>15 A In the "we" were the public child</p> <p>16 welfare leaders, judges, Casey folks, birth</p> <p>17 parents.</p> <p>18 Q So there's a -- in the methodology,</p> <p>19 there is a statement that, "Each reviewer holds a</p> <p>20 wide range of experience with adopting systemwide</p> <p>21 child welfare standards of practice."</p> <p>22 So can you confirm what your own</p>

<p style="text-align: right;">Page 130</p> <p>1 Q So earlier we spoke about some</p> <p>2 actions that Garrett's caseworker took with respect</p> <p>3 Garrett, advocacy to get him into a program that</p> <p>4 she thought was appropriate for him. Do you</p> <p>5 believe that that case record from that caseworker</p> <p>6 reflected a lack of knowledge and skill, failure to</p> <p>7 understand Garrett?</p> <p>8 A Actually, I will say two things about</p> <p>9 that example. One is this woman went above and</p> <p>10 beyond in advocating for him, it is true. She, by</p> <p>11 her own writing, says that she believed he needed</p> <p>12 another chance, that he had skills, that he should</p> <p>13 have a chance to express and to take on -- to be</p> <p>14 nurtured in that way.</p> <p>15 One could say, and there was no point</p> <p>16 in me going into it at the time, that such</p> <p>17 advocacy, while, well placed and well meaning and</p> <p>18 heartfelt, was also naive. He lasted less than a</p> <p>19 week in the placement. And the amount of freedom,</p> <p>20 which she so desperately wanted him to be able to</p> <p>21 use productively, was well beyond his ability at</p> <p>22 that point in his -- his life experience to manage.</p>	<p style="text-align: right;">Page 132</p> <p>1 point he needed a different kind of placement than</p> <p>2 what this particular placement was.</p> <p>3 And I -- I would, thinking back at</p> <p>4 her case notes, I don't recall her talking with</p> <p>5 other people. I don't recall her having a</p> <p>6 supervisor who said, you know, "Can we think about</p> <p>7 this? Can we think about what other supports he's</p> <p>8 going to need in order to be successful there?"</p> <p>9 She was a new worker to him at the</p> <p>10 time and she really did -- she didn't take no for</p> <p>11 an answer and really advocated admirably for him,</p> <p>12 but perhaps not with all the information that was</p> <p>13 needed.</p> <p>14 Q Is it a reasonable professional</p> <p>15 standard to note in a case record when there has</p> <p>16 been a discussion between two caseworkers or a</p> <p>17 caseworker and a supervisor?</p> <p>18 A Around key decisions, it is not</p> <p>19 uncommon.</p> <p>20 Q Is it required as a matter of</p> <p>21 standard practice?</p> <p>22 A Well, required varies from</p>
<p style="text-align: right;">Page 131</p> <p>1 And she later went back to him and said she felt he</p> <p>2 had used her, that he had set her up.</p> <p>3 Now, you know, I -- it is far beyond</p> <p>4 the extent of this review to say, you know, should</p> <p>5 she have known? Might she have had a supervisor</p> <p>6 that said, "Hey, I hear that you really want to go</p> <p>7 to bat for this kid and really want the best for</p> <p>8 him, but let's take a look at the history. Let's</p> <p>9 take a look at how he has dealt with things. Is he</p> <p>10 really ready for this?"</p> <p>11 Q Should he be in a more restrictive</p> <p>12 setting?</p> <p>13 A Should he be in a different setting.</p> <p>14 That was -- I wouldn't put it in restrictive and</p> <p>15 not restrictive. I think that the place that he</p> <p>16 was -- now, mind you, this is after years and years</p> <p>17 of being in placements and not getting out of</p> <p>18 placements when he was ready to be discharged and</p> <p>19 when the residential providers were ready to</p> <p>20 discharge him, but there was no -- no place for</p> <p>21 them to go. DHHR did not have a discharge</p> <p>22 placement and he decompensated. So yes, at that</p>	<p style="text-align: right;">Page 133</p> <p>1 jurisdiction to jurisdiction. So there's some</p> <p>2 jurisdictions -- apparently New York being one --</p> <p>3 that the supervisors are expected to make entries</p> <p>4 actually into the record. Not all jurisdictions</p> <p>5 have that, so I can't answer the question.</p> <p>6 Q Do you know of any other jurisdiction</p> <p>7 that operates like New York?</p> <p>8 A I don't. I do know that other</p> <p>9 jurisdictions have -- have meetings in which</p> <p>10 supervisors are present and the attendance at those</p> <p>11 meetings is noted in the record.</p> <p>12 Q There's no reason it has to be noted</p> <p>13 in the record, however, as long as the meeting</p> <p>14 takes place?</p> <p>15 MS. LOWRY: Objection.</p> <p>16 THE WITNESS: It depends on the</p> <p>17 jurisdiction and their policies.</p> <p>18 BY MS. BROWN:</p> <p>19 Q Just to confirm the comments on the</p> <p>20 organizational culture of DHHR is based mostly on</p> <p>21 what's not in the record, not what is. Is that</p> <p>22 correct?</p>